



State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES

6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095

(603) 271-2900 FAX (603) 271-2456



LETTER OF DEFICIENCY
WET #SC2003-0002

March 31, 2003

Pioneer International Development LLC
C/o The Kane Company
Attn: Chad Kageliery
210 Commerce Way
Portsmouth, New Hampshire 03821

Gove Construction Services Co., Inc.
Attn: Mike Lapointe
PO Box 6606
Portsmouth, New Hampshire 03802-6606

Re Site Specific Permit #WPS-5734
Wetlands Permit #2000-2276
Pease International Tradeport, Commercial Development
207 International Drive, Portsmouth, New Hampshire
Portsmouth Tax Map R-99, Lot N/A

Dear Mr. Kageliery and Mr. Lapointe:

On March 20, 2003 and March 25, 2003, personnel from the Department of Environmental Services ("DES") conducted an inspection for the above referenced property, more specifically referenced on Portsmouth Tax Map R-99 (the "Property"). The purpose of the inspection was to respond to a recent complaint of violations at the site and to determine compliance with RSA 485-A:17, Water Management and Protection Law and RSA 482-A, the New Hampshire Wetlands Law.

During the inspection, the following deficiencies were documented

- 1 Construction is not in accordance with the plans approved for both the Wetlands Permit #2000-2276 and Site Specific #WPS-5734, specifically:
 - a. Unauthorized disturbance of approximately 700 sq. ft. (10 ft. x 70 ft.) of wetland located adjacent and parallel to International Drive between the new driveway entrance and the perennial stream.
 - b. Unauthorized disturbance of approximately 1,200 sq. ft. impacting the bank of the perennial stream located in the drainage swale at the northern part of the site.

Temporary erosion control measures are not in place as required by the approved plans. specifically:

- a Failure to stabilize the area surrounding the existing detention pond located near the intersection of International Drive and the Private Way in accordance with approved plans.

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- b. Failure to install outlet protection on the culvert under the new entrance driveway and failure to stabilize area surrounding the culvert in accordance with approved plans. The pipe is now half filled with sediments.
- c. Failure to stabilize construction entrance area between the building and International Drive in accordance with approved plans.
- d. Failure to install outlet protection on the outlet pipe in the drainage swale located at the northern part of the site in accordance with approved plans.
- e. Failure to stabilize detention pond located at the northern part of the site.
- f. Failure to install silt fence or orange construction fence around the large wetland area located at the eastern part of the site in accordance with approved plans.
- g. Construction debris is located in the wetland located at the eastern part of the site.
- h. Failure to construct the drainage swale associated with the installation of the drainage pipe located in the northeastern part of the site that connects to an existing 36 inch RCP as required by the approved plans. Failure to stabilize this area in accordance with approved plans.

Failure to stabilize the loam stockpiles

In response, you are requested to take the following actions:

Unauthorized Wetlands Disturbance

Regrade the wetland impact area referenced above in #1a to original contours and place hay mulch and apply a wetland seed mix by **April 4, 2003**.

2. Submit an "after-the-fact" request to the DES Wetlands Bureau to amend the wetlands permit to impact the area referenced above in #1b by **April 11, 2003**. This submittal should include an explanation of work completed, amended plans, photos, calculated square footage of impact, and appropriate fee.

Temporary Erosion Control Measures

Place hay mulch and apply temporary seeding to the area referenced above in #2a in accordance with approved plans by **April 4, 2003**. 85% to 90% of the disturbed area should be covered by the mulch and seeding.

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2. Clean out the sediments in the culvert referenced above in #2b, install outlet protection, and stabilize the area by placing hay mulch and applying temporary seeding in accordance with approved plans by **April 4, 2003**. 85% to 90% of the disturbed area should be covered by the mulch and seeding.
3. Stabilize the construction entrance referenced above in #2c in accordance with approved plans by **April 4, 2003**.
4. Install outlet protection to the outlet pipe in the drainage swale referenced above in #2d in accordance with approved plans by **April 4, 2003**.
5. Place hay mulch and apply temporary seeding to the detention pond referenced above in #2e in accordance with approved plans by **April 4, 2003**. 85% to 90% of the disturbed area should be covered by the mulch and seeding.
6. Install silt fence and orange construction fence to surround the wetland referenced above in #2f in accordance with approved plans by **April 4, 2003**.
7. Remove by hand the construction debris located in the wetland at the eastern part of the site by **April 4, 2003**.
8. Construct the drainage swale located at the northeastern part of the site and do not allow water to flow into the existing pipe until the swale is constructed and stabilized. This work should be accomplished by **April 11, 2003**. Place hay mulch and temporary seeding to the area surrounding the existing pipe in accordance with approved plans by **April 4, 2003**. 85% to 90% of the disturbed area should be covered by the mulch and seeding.
9. Place hay mulch and apply temporary seeding to loam stockpiles in accordance with approved plans by **April 4, 2003**. 85% to 90% of the stockpiles should be covered by the mulch and seeding.

Other Measures

A copy of the wetlands permit shall be posted on site during construction in a prominent location visible to inspecting personnel.

2. Request a name change from the DES Wetlands Bureau and the Site Specific Bureau for the Wetlands Permit #2000-2276 and Site Specific Permit #WPS-5734.
3. Perform routine sweeping to prevent build up of sediments on existing roadways.

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DES also requests that a written status report for the above-mentioned items be submitted by **April 22, 2003**. The report may be addressed as follows:

David Price, Enforcement Investigator
Wetlands Bureau/Site Specific
Department of Environmental Services
360 Corporate Drive
Suite 2
Portsmouth, NH 03801

RSA 482-A, the New Hampshire Wetlands Law and RSA 485-A:17, Water Management and Protection Law were enacted to protect and preserve wetlands, surface waters and alteration of terrain activities from unregulated despoliation.

Failure to comply with RSA 482-A and RSA 485-A:17 will result in enforcement by DES, including but not limited to the issuance of fines, administrative orders, or referral to the New Hampshire Office of the Attorney General for prosecution of civil or criminal penalties. If an order is issued to you, it may also be recorded with the Registry of Deeds as an encumbrance against your property. In addition, DES personnel may conduct another inspection at a later date to determine whether you have come into and are maintaining full compliance with the applicable statute and rules. Issuance of this letter shall not preclude further enforcement by DES.

Should you have any questions regarding this letter, or wish to arrange a meeting, please contact me at (603) 433-6183.

Sincerely,

COPY
Dori Wiggin
Coastal Supervisor
DES Wetlands Bureau

DAW/dap

CERTIFIED MAIL # 7002 2410 0001 6279 1055 Pioneer International Development LLC

CERTIFIED MAIL # 7002 2410 0001 6279 1048 Gove Construction

cc: Rene Pelletier, Manager, Land Resources Management Program
Mark Harbaugh, DES Legal Unit
Ridge Mauck, DES Site Specific
Alanson Sturgis, Portsmouth Conservation Commission
Mike Yeager, Pease Development Authority
Maria Stowell, Pease Development Authority
John B. Sullivan Jr. Corporation
Robert Duval. Kimball-Chase